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From: Stevenson, Allan (DPH)
Sent: Tuesday, May 20, 2008 1:22 PM
To: Nassif, Julianne (DPH)
Cc: Salemi, Charles (DPH); Hanchett, James (DPH); Salem, Sharon (DPH)
Subject: Notary Public rules

Julie,

I prepared the following to address one of the issues that we discussed yesterday.

The Mass. Dept. of Public Health, Mass. State Police, and Worcester County Drug Analysis Laboratories prepare a very high volume of analysis certificates which must be notarized. Mass. DPH alone produces over 40,000 certificates per year. Gov. Romney's Revised Executive Order No. 455 addresses the responsibilities of a Notary Public and includes the requirement of keeping a notary journal which must include the following:

- (1) the date and time of the notarial act, proceeding, or transaction;
- (2) the type of notarial act;
- (3) the type, title, or a description of the document, transaction, or proceeding.
- (4) the signature, printed name, and address of each principal and witness;
- (5) description of the satisfactory evidence of identity of each person.

Transcribing this information into a notary journal takes a substantial amount of time away from the task of analyzing drugs (analysts in the DPH Lab are also Notaries). Eliminating the requirement for keeping notary journals for drug certificates would save many hours of personnel time. The certificate itself includes most of the information that must be copied into the journal, and any information not included on the certificate could be obtained from department records.

There are examples of other groups getting exemptions from all or part of this executive order (see the links below), and in this case there is virtually no incentive for of abuse of notary responsibilities.

Link # 1, the Executive Order No. 455, Section 1, paragraph (d) exempts the National Guard from the provisions of this order, as stated below.

(d) The provisions of this Executive Order shall not apply to the Massachusetts National Guard or other Reserve Component Commands when conducting mobilization exercises and Soldier Readiness Processing. The attorney's notary journal exemption is described in Section 11, paragraph (f).

Link # 2 is an article in Massachusetts Lawyers Weekly that points out the Massachusetts attorneys are exempted from the requirement of keeping notary journals.

Link # 1 <http://www.masslaw.com/signup/Treasury.cfm?page=ma/051904a.htm>

Link # 2 <http://www.masslaw.com/ma20040519break.cfm>

Elimination of the need to transcribe and keep notary records of drug certificates in a separate journal would save many hours of time with no additional risk of the abuse that the Executive Order is addressing.

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